

Approved

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COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

IN LEGISLATIVE SESSION

Tuesday, March 19, 1985 Rockville, Md.

The County Council for Montgomery County, Maryland, convened in Legislative Session in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:58 A.M. on Tuesday, March 19, 1985.

PRESENT

Michael L. Gudis, President	William E. Hanna, Jr., Vice President
Neal Potter, President Pro Tem	Scott Fosler
Rose Crenca	David L. Scull
Esther P. Gelman	

The President in the Chair.

INTRODUCTION OF BILLS:

Re: Introduction of Bill No. 9-85.
Collective Bargaining for Police
Sergeants

The Council had before it for introduction Bill No. 9-85.

Councilwoman Gelman briefed the Council concerning the history of the proposed legislation. She referred to Section 510 of the Montgomery County Charter which provided the enabling authority for collective bargaining legislation for County police officers. She said the question that has been raised is whether sergeants in the police force are part of management and therefore ineligible for collective bargaining. The County Council enacted legislation in 1982 defining "police officer" to include only officers of the rank of corporal and below. Both sergeants and lieutenants of the police force have said they have suffered under this ruling; however, she has reached the conclusion that lieutenants are definitely part of management. She said that the subject bill would provide for collective bargaining for police sergeants and would allow them to form a separate collective bargaining unit.

Councilman Hanna said that he is opposed to this legislation. He said that the County Executive, the Police Chief, and he agree that police

sergeants are part of management. He believes that placing them in a bargaining unit will destroy the management structure. He believes the line is properly drawn now at the corporal level and urged the Council not to proceed with this bill.

Councilman Fosler said that, beyond the issue of whether collective bargaining should be granted to police sergeants, there is the broader issue in government management involving mid-level management positions. The Council needs to address the question of the most effective way to handle the question of collective bargaining as it relates to police officers within the Police Department and other employees in County agencies at the mid-management level. In doing this, the Council also needs to recognize the burdens placed on the mid-level management positions. Whatever action the Council takes with respect to this legislation will have a long standing effect on the Police Department and have implications on and be precedent setting for the rest of the County management in the future.

Councilman Scull directed attention to Section 511 of the County Code which provides enabling authority for legislation for collective bargaining for County employees other than employees of the Police Department. He expressed the view that consideration should be given to whether sergeants and other police officers not covered by the collective bargaining legislation for police officers should be considered under a broader County collective bargaining law which is provided for in Section 511. He suggested that the Council might wish to defer the scheduling of a public hearing on this bill to provide the opportunity for examining other options. He does not believe it is urgent to act on the subject legislation at this time; therefore, it would be more appropriate to consider it in connection with the larger subject of collective bargaining for other County employees.

Councilwoman Crenca said that, in reading the background material and the technical data provided, she has reached the conclusion that the subject legislation should be submitted to the Compensation Task Force for its review. She noted that the subject bill has a bearing on what the Compensation Task Force is discussing.

Councilwoman Crenca moved, duly seconded, to submit the bill to the Compensation Task Force for consideration.

Councilman Potter expressed the view that comments from the Compensation Task Force would be helpful.

Councilman Fosler said that he believes the suggestion is a good one. The Compensation Task Force considers principles the Council should apply in determining how County employees should be paid. The bill proposes to extend collective bargaining into management ranks and he believes that this could substantially alter the entire compensation system of the County government; therefore, it would be useful to have the comments of the Compensation Task Force.

Councilwoman Gelman agreed that the Compensation Task Force should examine the subject legislation. She said that if the Task Force believes

this is outside of its purview, it will so inform the Council. She noted, however, that the Task Force is attempting to complete its work and has been somewhat disheartened because of some expressions of impatience with the pace of its work, which has resulted in actions being taken which conflict with the Task Force findings. She believes if the Council values the assistance it is receiving from the Task Force, it will exercise patience and allow the Task Force the time to accomplish the work it is given.

Councilman Potter requested clarification concerning the broader connotation of Section 511 as it relates to the subject bill.

Councilman Scull said that Section 510 is more restrictive than Section 511. He said that it is incumbent on the Council to consider other employees in any collective bargaining law it enacts. There is more flexibility in Section 511, which provides a different impasse procedure than binding arbitration. With respect to submitting this to the Compensation Task Force, Mr. Scull said that he believes it would be useful to receive its comments. He believes the Council should ask the Compensation Task Force if it wishes to comment, but he recalls that the Compensation Task Force did not wish to address the way job benefits and pay are determined. He recalled that when the Council reviewed the collective bargaining Charter amendment last year, it did not refer it to the Compensation Task Force. There was some discussion about it then, and it was decided to proceed with the structural question. He said that if the Compensation Task Force is requested to provide comments on the subject legislation, he would like this request to be extended to comments on legislation to be introduced in the near future under the provisions of Section 511.

Councilman Potter expressed the view that legislation under Section 511 might be too broad to encompass the objectives of the subject legislation.

Councilman Fosler said that he does not believe the Compensation Task Force should review all the mechanics of collective bargaining because it is complex and involves more than compensation. However, the Council should ask them to examine the extension of collective bargaining to County employees. He said it is understandable that the Compensation Task Force has taken longer than anticipated because of the many issues it had to address. Because the Task Force has taken that long, it has brought interim findings to the Council and the Council has acted on them. He noted that one example of this is the disability legislation. He said that another important part of the Compensation Task Force's work is the issue of comparable worth. A report has been provided to the Council on this subject, and he believes the Council should act on comparable worth as a separate issue in the same manner it did on disability.

President Gudis said that he will vote against the motion to submit the subject legislation to the Task Force because he believes the Task Force is attempting to complete its work.

Councilman Fosler proposed an amendment to Councilwoman Crenca's motion to include the point raised by Mr. Scull to request that the

Compensation Task Force examine the broader issues of collective bargaining for all employees. Councilwoman Crenca indicated her acceptance of the amendment if it is interpreted to mean that the Compensation Task Force will not be obliged to comment.

President Gudis voting in the negative, the Council adopted Ms. Crenca's motion.

Upon motion of Councilwoman Crenca, duly seconded and without objection, the Council voted to waive the reading of the title of Bill No. 9-85.

Bill No. 9-85, sponsored by Councilwoman Gelman, was introduced. The title of the bill is set forth below:

AN ACT to include police sergeants in collective bargaining under the Police Labor Relations Law, by amending Chapter 33, Personnel, Section 33-76, Montgomery County Code.

Re: Introduction of Bill No. 10-85.
Appointment of Director of Animal
Control and Humane Treatment

The Council had before it for introduction Bill No. 10-85.

Councilwoman Crenca requested and received information concerning the effect of this legislation on the incumbent Director of the Department of Animal Control and Humane Treatment who is presently a Merit System employee.

Upon motion of Councilman Scull, duly seconded and without objection, the Council voted to waive the reading of the title of Bill No. 10-85.

Bill No. 10-85, sponsored by the Council President at the request of the County Executive, was introduced. The title of the bill is set forth below:

AN ACT to designate the Director of the Department of Animal Control and Humane Treatment as an appointee of the County Executive, by amending Chapter 2, Administration, Section 2-58C of the Montgomery County Code.

MEMORIALS AND PETITIONS:

There were no memorials or petitions to be presented.

CALL OF BILLS FOR FINAL READING:

There being no further official business to come before the County Council in Legislative Session, the meeting adjourned at 11:02 A.M. to reconvene at 1:30 P.M. on Tuesday, March 26, 1985, or at the call of the President.

This is an accurate account of the Council's proceedings:

A handwritten signature in cursive script, appearing to read "Kathleen A. Freedman".

Kathleen A. Freedman, Acting Secretary
County Council